

TITLE 326 AIR POLLUTION CONTROL BOARD

RULE AS PRELIMINARILY ADOPTED AND PROPOSED FOR FINAL ADOPTION LSA Document #98-13

DIGEST

Amends 326 IAC 19-2 by incorporating by reference federal rules concerning transportation conformity. Effective 30 days after filing with the secretary of state.

HISTORY

Findings and Determination of the Commissioner Pursuant to IC 13-14-9-8, Draft Rule, and Notice of First Hearing: February 1, 1998, Indiana Register (21 IR 1878).

Date of First Hearing: March 4, 1998.

Proposed Rule and Notice of Second Hearing: April 1, 1998, Indiana Register (21 IR 2465).

Date of Second Hearing: June 3, 1998.

326 IAC 19-2-1

SECTION 1. 326 IAC 19-2-1, AS ADDED AT 20 IR 2298, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

Rule 2. Transportation Conformity to Federal and State Implementation Plans

326 IAC 19-2-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) The provisions of This rule, unless specifically exempted in the applicability section of 40 CFR 51, Subpart T*, **40 CFR 93 Subpart A***, **apply applies** to transportation plans, programs, and projects in nonattainment or maintenance areas for transportation-related criteria pollutants ~~which~~ **that** are developed, funded, or approved by the United States Department of Transportation (DOT) and by metropolitan planning organizations (MPOs) or other recipients of funds under Title 23 United States Code (U.S.C.) or the Federal Transit Act. **Laws.**

(b) ~~The provisions of~~ This rule also **apply applies** to regionally significant projects, regardless of funding source, located in nonattainment or maintenance areas for transportation-related criteria pollutants for which the area is designated nonattainment or has a maintenance plan.

(c) The air pollution control board incorporates by reference **the following:**

(1) 40 CFR 51, Subpart T, "Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded, or Approved under Title 23 U.S.C. or the Federal Transit Act"*. **Laws****, **as amended at 62 FR 43780 (August 15, 1997).**

(2) 40 CFR 93, Subpart A, "Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded, or Approved under Title 23 U.S.C. or the Federal Transit Act"*. **Laws****, **as amended at 62 FR 43780 (August 15, 1997), with the exception of Section 93.102(d).**

(3) ~~60 FR 40098 (August 7, 1995), "Transportation Conformity Rule Amendments: Transition to the Control Strategy Period"~~*.

(4) ~~60 FR 57179 (November 14, 1995), "Transportation Conformity Rule Amendments: Miscellaneous Revisions"~~*.

*Copies of the Code of Federal ~~Regulation~~ **Regulations** (CFR) and Federal Register (FR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402. These ~~Materials~~ **and** are also available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 19-2-1; filed Apr 28, 1997, 4:00 p.m.: 20 IR 2298*)